

# "Old Kit" Tells the True Story of the Lynching of John DeRoach

Following the publication in the Bonanza on February 8th, relative to the lynching of one John DeRoach, a French-Canadian, charged with murder and the subsequent driving of "Old Kit" (John B. Kittrel) from the state of Nevada, the latter, in a communication addressed to the Bonanza, from Fresno, Cal., gives the following, believed to be a true version of the history of that lynching:

Fresno, Cal., March 9, 1911.  
Editor Tonopah Bonanza:

An old friend of mine, whose acquaintance I formed at Hamilton, White Pine county, Nevada, as far back as the beginning of 1869, when White Pine was a bustling mining camp, has sent me a copy of your paper of the date of February 8th, in which appears a communication headed "Murder of Old Bodie—601" telling a story of past experiences.

It is so full of misstatements, made either by design or lapse of memory, that I propose to correct the errors and state the truths concerning the affair about which "318" writes. In January 1880-81 one John DeRoach, a Canadian Frenchman, ruthlessly murdered a Cornish miner at the corner of Main and Mill streets, in the town of Bodie, Mono county, California.

He was immediately arrested and lodged in the city jail and on the same night he effected his escape, the jailer, it was reported, being dead drunk at the time.

About a week afterwards a posse in command of a young gentleman named Burkit, a man of nerve and action, discovered the absconding fugitive at a wood ranch a few miles away from Bodie, and returned him to the jail. This was on a Saturday morning at an early hour.

The killing of the miner aroused the feelings of the entire community and the mob spirit prevailed to an alarming extent.

But for the persuasive eloquence of Hon. Pat Reddy, DeRoach would have been lynched by the mob on that Saturday. Their rage was cooled, however, by Reddy agreeing to prosecute the murderer to the extent and limit of the law.

So on the Sunday next, at 9 o'clock in the morning, was commenced the preliminary examination of DeRoach on a charge of murder. Mr. Reddy appeared for the prosecution and I appeared for the defense. Up to that date I never had seen DeRoach to know him, and never had spoken to him until he engaged me to defend him.

The examination continued all of that Sunday until far into the small hours of the succeeding day, when court, counsel and witnesses were exhausted, and yet the examination was not completed. So court was adjourned until 9 o'clock on Monday. At this juncture I said to my client: tomorrow morning as soon as the preliminary trial is ended, I shall introduce no evidence and you must hasten to the county jail at Bridgeport, with all possible speed. To this he said: you will not see me tomorrow at 9 o'clock unless you see me dead. I hoisted at the idea and told him that he was in no danger from the mob because all of the multitude that had besieged the court room during the day had dispersed and quietness reigned. He still insisted that he would be hanged on that night. Leaving the court room, I went to my office but had not been there many minutes before I heard the clatter of hundreds of feet on the plank sidewalk making for the jail. Then it was that I knew that DeRoach was doomed.

Slipping on a heavy beaver-skin overcoat, I awaited the return of the mob. I had not long to wait before I witnessed the return of the human tide with DeRoach in their midst. I followed them until they reached the exact spot at the corner of Main and Mill streets, where the miner fell. At this point the mob had placed a blacksmith's derrick, and on this DeRoach was choked to death.

When I reached the scene of his execution I saw dimly a collection of men, may be a hundred or more, immediately surrounding the derrick, while others with guns and pistols in hand served as a patrol to keep back the crowd which, like myself, had followed the mob.

All was silent until I heard a voice saying: "Oh, God d—n you, you did not give him time to say his prayers." A moment later I heard the creaking of the derrick wheel over which the rope was placed, and then I saw the head of the victim slowly appear. I then

was standing on a snow-bank some 60 or 80 feet distant from the tragic scene. Seeing DeRoach's body pulled up as is a bale of hay hoisted, and seeing his struggles, the horrid sight caused me for once to forget myself, and I broke the profound silence by saying: "I will give a hundred dollars if any ten of you who are now engaged in the murder of this man will publish your names in the next issue of the morning paper."

At this moment I heard one of the stranglers say: "O, you, dry up," then another voice saying: "That is that d—d lawyer; let's hang him too, and make clean sweep of it." At that instant a few of the mob made a rush towards the place where I stood, but were held at bay and forced back by a friend of mine named Wiley, and one or two others, whose presence I was not aware of until they interposed to save me from the fate of DeRoach.

With my friends I left the place and went back to my office. I did not run, for my father never taught me how, but I did not fool away much of the time that was required to reach the office.

When a cowardly mob is at one's heels it is folly for him to tarry long on the way. Prudence dictates that he must not "stand on the order of going, but go at once."

I have thus given you a plain unvarnished history of the DeRoach lynching, every word of it being absolutely true. The mendacious report of it by the unblushing "318" is false in the abstract and in the concrete.

He conceals his true name, and well he may, for perhaps he has learned that the crime of murder is never barred from prosecution by the statutes of limitation. It is the law that when any one person, or an aggregation of persons, takes the life of a human being deliberately and without authority of law, he or they are guilty of murder. Such being the case, "318" stands before the community of Tonopah a self-confessed felon, a red-handed murderer. Yet the poor fool seems to take a pride in his bloody work and gloat over it—really imagines himself a hero for the part he took in the lynching of the helpless DeRoach.

In his communication he makes a lame attempt to escape the odium, and perhaps the consequences of his crime, by alleging that he did not place the rope

about the neck of DeRoach. He appears to be ignorant of the fact that he who aids and abets the commission of a crime is, by the law of Nevada, a principal and is treated as such. I know who did put the halter about the neck of DeRoach, if report at the time was true. It was old Hemminway, a Bodie blacksmith. He was a past master in the art of stringing helpless victims and was the recognized Jack Ketch of the mobs of Virginia City, Nevada, years before he launched the French-Canadian into eternity. Hedged in by a band of stranglers, he was as bold as a lion; singly, he was as timid as a hare, and as cowardly as a coyote.

I shall now enumerate the lies of "318."

First—It is not true that the hanging took place in Boon's corral.

Second—I was never inside of that corral.

Third—I did not run from the mob; nor did I go an inch in the direction of Bridgeport.

Fourth—No buggy "overtook" me that night, nor was there one on the ground.

Fifth—I never stood on a dry-goods box that night, nor did I indulge in any "eloquence" addressed to the other than I have stated above.

Sixth—There was no organization at Bodie at that period known as the "Law and Order League." If there was, it was a misnomer, for mob law or lynching ill accords with either law or order.

Seventh—It is not true that I was never seen at Bodie after the hanging of DeRoach. The truth is that I remained there a full

year after the tragedy, engaged in the active practice of my profession.

Eighth—The intimation that I bribed DeRoach's jailer to permit him to escape is an unmitigated lie, for DeRoach left the jail the night of his arrest and I had no knowledge of him until he was captured by Burkit and his posse and brought back to Bodie as aforesaid. Nor did I ever speak to him until he engaged me as an attorney to defend him on the charge of murder pending against him.

It would be a long time before an unconvicted felon like "318" could convince any man in Nevada who has known me, that I am, or ever have been, either a bribe-giver or a bribe-taker.

Mr. "318" expresses a desire to again meet me and "talk over old times." Spare me, Mr. "318," I have no desire to meet this modern "man with the iron mask," nor, were I to meet him, would I take his hand, for it is dripping with the blood of John DeRoach, and it would require all of the waters of the salted and unsalted seas to wash away the stain.

Let it not be understood that I am, in any way attempting to excuse or palliate the crime of DeRoach. He was guilty of a dastardly murder and ought to have been hanged by the law and not by a maddened mob designated as "601," or operating under the name of "Vigilance Committee."

JNO. R. KITTREL.

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To George Turin and Andy Piana, your heirs and assigns:

You, George Turin, are hereby notified that the undersigned has expended in labor and improvements on the Marietta lode mining claim, situated in Tybo mining district, Nye county, Nevada, the sum of \$400 for the years 1907, 1908, 1909 and 1910, of which you are a one-third owner. I have also expended the sum of \$200 on the Maryland lode mining claim, situated in Tybo mining district, Nye county, Nevada, for the years 1907 and 1908, of which you are a one-half owner.

So you, Andy Piana, I have expended the sum of \$200 in labor and improvements on the Marietta lode mining claim, situated in Tybo mining district, Nye county, Nevada, for the years 1909 and 1910, of which you are a one-third owner, under the provisions of Section 2324 of the Revised Statutes of the United States of America, concerning annual labor on mining claims. The location certificates of the above claims are duly recorded in the county recorder's office of Nye county, state of Nevada. Said expenditure was the amount necessary to hold said mining claims during the aforesaid years. And if within 90 days from the date of the first publication of this notice you fail or refuse to contribute your portion of such expenditure as co-owners, which amounts to \$600, and \$200 respectively to each of you, George Turin on the Marietta \$123.33 1-3; Maryland, \$100; Andy Piana on the Marietta, \$66.66 2-3, together with the cost of this advertisement your interest in said claims will become the property of the subscriber, your co-owner, who has made the expenditure and improvements as above mentioned.

Dated at Tonopah, Nevada, this 20th day of February, 1911.  
M. ANTONIAZZA.

First pub. Feb. 20, 1911.  
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